

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Q. M., et al.,

Plaintiffs,

v.

SAN MATEO SUPERIOR COURT OF
CALIFORNIA,

Defendant.

Case No. 15-cv-01167-JCS

ORDER TO RETAIN COUNSEL

Plaintiff in this action is the 12-year-old minor son of Jeremiah F. Manning, who has brought this action on his son's behalf, seeking to proceed pro se. "[A] parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer." *Johns v. Cnty. of San Diego*, 114 F.3d 874, 877 (9th Cir.1997). In *Johns*, the Ninth Circuit explained that when a parent improperly attempts to assert a child's claim pro se, the claim should be dismissed without prejudice, because the parent's procedural missteps should not serve to extinguish the child's legal rights. *Id.* Therefore, Mr. Manning must retain counsel to represent his son in order to proceed with the claims asserted in this action. Counsel for Plaintiff shall file a Notice of Appearance in this case no later than **June 12, 2015**, the date of the initial case management conference, and shall appear with Mr. Manning at the case management conference. Failure to retain counsel to represent Q.M. will result in dismissal of the action without prejudice.

IT IS SO ORDERED.

Dated: March 31, 2015


JOSEPH C. SPERO
United States Magistrate Judge